

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS LEE GLEASON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATIONS, et al.,

Defendants.

No. 2:20-cv-00775-KJM-CKD

ORDER

Plaintiff, a former state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 24, 2022, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

..."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 24, 2022, are adopted in full.
2. Plaintiff's motion for summary judgment (ECF No. 30) is denied.
3. Defendant's motion for sanctions (ECF No. 59) is denied to the extent that it seeks terminating sanctions, or, in the alternative, monetary sanctions against plaintiff. **The motion is granted to the extent that plaintiff is ordered to cease all unprofessional, insulting, and abusive communications with opposing counsel and any party to this litigation.**
4. Counsel for defendant is directed to file a notice with the court along with a copy of any communication received that appears to violate this court order. Upon receipt of any such notice, the court will order plaintiff to show cause why sanctions should not be imposed, including the possible dismissal of this action.
5. This matter is referred back to the magistrate judge for the purpose of resetting the dispositive motions deadline in this case.

DATED: October 11, 2022.


CHIEF UNITED STATES DISTRICT JUDGE